

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

WP(C).No. 13101 of 2007(I)

PETITIONER:

P.M.UTHUPPAN,
MULLANKUZHY VEEDU,
VELLOOR VILLAGE,
KARIPADAM.
KOTTAYAM DISTRICT.

BY ADV. SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENTS:

1. TAHSILDAR (RR),
VAIKOM,
KOTTAYAM DISTRICT.
2. VILLAGE OFFICER,
VELLOOR VILLAGE,
KOTTAYAM DISTRICT.
3. DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
PALARIVATTOM, KOCHI-25.

R1 & R2 BY GOVT.PLEADER SRI.I.V.PRAMOD.
R3 BY STANDING COUNSEL SRI.P.RAMAKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 13101 OF 2007 - I

Dated this the 13th day of April, 2007

J U D G M E N T

The petitioner has been assessed to contributions under the Kerala Motor Transport Workers Welfare Fund Act for the years 2001-02 and 2002-04. He has already filed an appeal for the period 2002-04 which is pending before the Government. However, the petitioner submits that he could not file an appeal for the period 2001-02 for want of copy of the final determination order. However, the petitioner seeks permission to pay off the amount demanded in instalments, without prejudice to his right to file an appeal against that order also if law permits.

2. In the above circumstances, after hearing counsel for the third respondent also, I direct the third respondent to permit the petitioner to pay the demand for the period 2001-02 in six equal monthly instalments starting from 1.5.2007. All subsequent instalments shall be paid on the first working day of every month. If the petitioner pays the instalments in time, the further recovery proceedings for the year 2001-2002 shall be

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kept in abeyance. If the petitioner commits default in payment of even one instalment, it would be open to the respondents to continue recovery proceedings as now initiated without having to issue any fresh notice or proceedings in that regard.

The writ petition is disposed of with the above direction.

Sd/-

**S. SIRI JAGAN,
Judge**

Mbs/

-True Copy-

P.A.to Judge.

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S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:13-02-2007

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